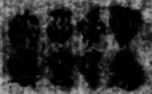


THE
ANSWER
OF HIS
EXCELLENCY
The EARLE OF
NEWCASTLE

To a late Declaration of the Lord

FAIRFAX

Dated the 3. of June 1643



Printed at York by Stephen Bulfinch, 1643.

By speciall Command

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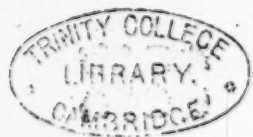
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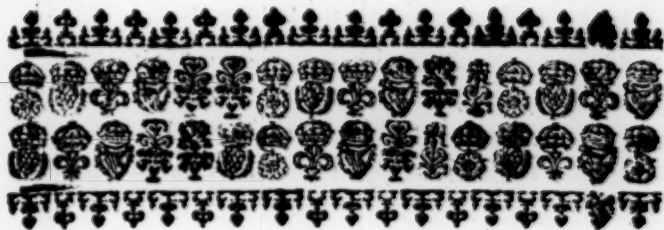
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The Answer of his Excellency the Earle of Newcastle to a Declaration of the Lord Fairefax, &c.

WHen I received notice lately, of a Declaration Dated the eight of this Moneth, made by the Lord *Fairefax*, intitling himselfe untruely, and contrary to his own Conscience, *Lord Generall for all the Northerne Forces for King and Parliament*; I could not choose but wonder, either at the strength of his imagination, to fancy such a Government to himselfe in His Majesties Dominions, without His Royall Assent (especially knowing himselfe to be Proclaimed a Rebelle, for such Trayterous courses:) or rather at his deep subtilty, under the pleasant bait of His Majesties pre-

tended Authority, to hide the cursed hooke of Perjury and Rebellion, and by the sight of this counterfeit Flagge, to seduce His Majesties good Subjects, contrary to their Oaths of Ailegiance and late Protestation, from their bounden Obedience, to detestable Faction and Treason : or howsoever presumptuously to profane His Royall name, to the raising and fomenting an unnaturall Warre, in the bowels of His owne Kingdome, directly against His Sacred Person, Crown, and Dignity. Without a Commission under His Majesties broad Seale, he may be (as he is indeed,) an Usurper and Intruder into power, for which he, and all his Adherents, are obnoxious to His Majesty and the Law, in the high crime of Rebellion ; but cannot justly nor with any Colour of reason, stile himselfe *Generall to the King and Parliament*. The very counterfeiting of this power, without the true owner, leave, and against his expresse Command, doth evidently shew, That he knows he can have no *Military Power* without His Majesty, much lesse against His Majesty. As it is the hearty desire and prayer of all true Englishmen, that they may speedily see a blessed conjunction of *King and Parliament* ; so we cannot

cannot but take notice, That they who joyne them together in their Titles and Pretences, are they, and onely they, that divide them and sever them in their actions, and retard our hopes of an happy Union; partly by thrusting us into reall milchiefs, for fear of fictitious and imaginary dangers, and partly by opposing a sound and satisfying Accommodation. But perhaps it will be said, Though he make bo'd with the *King*, yet he derives a good Authority from the *Parliament*. When the two Houses are legally Assembled in a place free from Tumults, whither all the Members may repaire with safety, and Vote freely without prejudice, feare, or faction; then they are venerable Assemblies: but at the best, neither have nor ever had, without His Majesties concurrence, a power to raise Arms, or create Generalls, or order the *Militia* of the Kingdom. *England* did never see such an Example, such a President, never heard of such a Challenge of Military Supremacy, made by the two Houses without the *King*, either in cases ordinary or extraordinary, before the beginning of these pernicious distractions. All the Orders of this Kingdome, assembled in Parliament, upon ma-
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ture deliberation, in a case extraordinary (fitting the Parliament,) have disclaimed this power, and plainly acknowledged, That it is an essentiall and inseparable Flower of the Crown, That it belongs solely to His Majesty, To defend force of Armour, at all times when it shall please him, and to punish them that shall doe contrary: and that the Prelates, Earles, Barons, Commonalty are bound to aide him as their Sovereigne Lord at all seasons when need shall be.

Where the very Title is so apparently untrue & supposititious, what truth can be expected in the body of the writing? The first subject of his Declaration, are *the Prisoners taken at Seacroft*. Surely he had great reason to have expressed himselfe more forward, for the Redemption of those poore seduced Persons, then hitherto he hath done, who without any Authority on his part, or Obligation on their part, did hazard both their bodies and Soules, meerly to do him service. He pleads for them that

They had quarter promised them, that contrary to the Rules of Christianity, Charity, the Laws of this Land, and the Law of Arms they have been detained in durance. It is true they had
 Quarter

Quarter given them, not out of any favour to their Rebellious courses, but out of Pity to their Persons, and their misled seduced simplicity, in hope that when their eyes were opened they would returne to their former Loyalty: but I never heard that they had any *Quarter promised*, or that there was any Treaty held, or any Covenants proposed or condiscended unto, but a free and absolute submission of themselves. So the sole and single ground of this invective Declamation, hath no more truth in it then the Title. We are now told of *Christian Charity*, But where was the consideration of this Christian Charity, when the accord made at *Rothwell*, with his own consent, was perfidiously broken? the observation whereof had saved the effusion of so much Christian Blood, and prevented so many Murthers, Robberies, Imprisonments of his Majesties Loyal Subjects, onely for keeping their Faith and Allegiance unstained, and their Oathes inviolated. These men desire to be objects of *Christian Charity*, not Subjects, they would have this grace looke towards them, but not from them: or otherwise they would be ashamed to ruine so many thousands of their Neighbours and

7 and Fellow Subjects, and yet talke of *Christian Charity*, as if it were a *Topicall Argument*, not a *Theologicall virtue*. His next stalking horse is the *Law of the Land*. I would gladly know where that Law is written, which allows any Liberty or Privilege to a Subject, who is taken in actuall Rebellion against his Lawfull Soueraigne. If he and his Adherents have no favour, but what the *Laws of this Land* do afford them, they must expect releife in another world, upon their repentance. Neither will the *Law of Arms* help him. It is a confessed truth, that there is no *Law of Arms*, but onely between such as have a power of Arms lawfully invested in them. The *Law of Nations* doth except a Subject from pleading the Law of Arms against his Prince, or against any Authority derived from his Prince. But he saith further,

They have been deteined in such durance and under such Tyranny, as there is about an 100 of them dead, and about 200 of them made so sick and weak, as they are not likely to recover, and to the rest of them all necessary refreshments are denyed, with intention to reduce them also to the like wretched state; and so in time to destroy them all.. This
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and the like expressions contained in this Paper, being so publickly cast upon the Officers of this Army under my command, must of necessity reflect upon my selfe: which hath increased my desire to understand the certainty of these particulars, which being known, may be a good caution to his Lordship, hereafter to take heed how he builds his groundlesse confidence, (which he calls *assurance*) upon such weake and partiall informations. The wounded Souldiers were dressed and cured by our Surgeons, at our charges: The sick Prisoners were visited by the Queenes Physitians, and medicines given them at our charges; these were no signes of any *intention to destroy* them: They have wanted neither Sermons, nor other Divine Offices: The Wives and Sisters of such as have been sick, have had free Liberty from time to time to attend them: The publick collections of such as favour them, and the private Benevolence of particular Friends, either in the Citty or Country, have been duely converted to their best advantage: And except the inconveniences which accompany a long and throng imprisonment, they have wanted nothing which moderate men could

desire. But *an* 100 are dead, and 200 more are sick. Let it be admitted, can the most careful Governours keep sicknesse out of their Camps? If it were but out of a provident circumspection, for the safety of the Citty and our selves, we had reason to use all our best in-deavours, to keep contagious diseases from among them. This aspersions is rather cast upon Almighty God, then any way concernes us, unless he could shew in particular, wherein the Officers have failed in doing their duties. To prevent all occasion of infection, they have been divided as much as possibly could be; Diverse of the Officers and some others are lodged in the Citty, some in *Davy Hall*, some in *Merchants Hall*, places of good receipt, some in private Houses, and sundry of them are admitted to walke up and downe the Citty, with a Keeper. The common Prisoners in the Castle have the Liberty of the Castle, where they walke all Day long at their pleasure, and at Night lye in the great Hall, free both from Wind and Raine. Now to censure Mens intencions, upon probable Surmises, is rashnesse, to doe it against such apparent light, is farre from those

Rules of Christian Charity which he pretends. Is the Death of these Prisoners must be imputed to any man, to whom rather than to the Lord *Fairfax* himselfe? who drew them into their Rebellious courses, who hath neglected them in their distresse, and now when he hath meanes to redeem them, seems to urge the sicknesse of some of them, rather as an Argument of Discourtesy towards us, then of Reliefe unto them; as if he measured his favours not according to their passed service, but his present use. The ground of this heavy Accusation followes.

Which doth more evidently appeare, in that I have often offered exchange of Prisoners taken at Wakefield and other Places, for Redemption of those taken at Sea-Croft and elsewhere First, the evidencce is not sufficient to prove his Assertion: He that shall bind the hands of a Phreneticque man, or restrain Persons who are wilfully bent to hurt themselves or others, is not presently guilty of an *intention to destroy them*, since it argues much more probably a desire to save them. Secondly, an *Exchange* of Man for Man by the Poll, is not alwayes an *equall Exchange*, according to a true *Geometricall proportion*

portion, if the one have a more considerable Estate then the other : yet such Exchanges as these, we have either been necessitated to make with his Lordship, or to have none at all. Thirdly, a great part of this mortallity was past, before *Wakefield* was so accidentally and unfortunately lost ; so as his Lordships offer came late, and unseasonably, even by his own Confession. But leaving all these advantages, the very truth is this, The Lord *Fairefax* did once condescend to a Treaty, before the surprise of *Wakefield*, about the Redemption of the *Sea-Croft* Prisoners : but whether it was serious, or onely feined and fraudulent, to cast a Mist before our eyes, untill he got his ends on *Wakefield*, Let all the World Judge by the true Relation of it. The Persons appointed to treat for us, were M. *Stanhop* and M. *Newill* ; and for them M. *Lambert* and one M. *Robinson*, The place named for the Treaty, was *Kippax*, The time *Whinsun-even*. But the very Evening before the meeting (no sooner) he sent on purpose to forbid it, taking some sleight exception to the place, and desiring that *Temple Newson* might be named for it ; and more to the Persons, alleging that M. *Lambert* and M. *Robinson*

Robinson were Souldiers, but *M. Stanhop* and *M. Newill* were none, and by consequence knew not how to estimate Souldiers according to their true worth, desiring that two Souldiers might be named in their roomes. Which exception is so grossely and palpably frivolous in every mans judgment that knows both parties, that it argues strongly, th at the Treaty was concluded not heartily or *bona fide*, but craftily for private advantage : for the very night following they set forward toward *Wakefield*, and surpris'd it on *Whitsunday*, early in the morning. But both before and since the said Treaty, it hath been my desire to have the Prisoners exchanged or redeemed. To which purpose (I must be his Remembrancer) sundry Propositions have been made unto him, both before this Mortallity fell among them, and since : as to deliver three hundred of them for three Men, *Sir John Goodricke*, *Sir Thomas Danby*, and Major *Hiliard* ; but it was refused. After this *Sir Thomas Glemham* offered the Lord *Fairfax* to release man for man, to bring the sick Prisoners in Carts or on Horseback, and to deliver them two miles from *Tadcaster*, in the midde way between *Torke* and *Leeds*,

Leeds, attended onely with one Troope of Horse, if the Lord *Fairfax* would do the like, The Troopes not to come within a quarter of a Mile each of other, but Officers to be appointed on either side to receive the Prisoners, and the Lord *Fairefax* and Sir *Thomas Glemham* to ingage their words respectively each to other, that no interruption should be given to either party, going or returning : but this offer also was rejected as the former, unlesse they might be delivered at *Kippax*, the place formerly refused by himselfe. And lastly, after Generall *Goring* was taken Prisoner, there was a Proposition made to deliver the whole 700 upon very favourable terms, so as the delivery of Generall *Goring*, might be treated of and concluded at the same time : but that was sleighted also. By all which it is as clear as the Sun, that the Prisoners have had as faire Accommodation from us, as we could possibly afford, or their condition could expect; and that they may thanke the Lord *Fairfax*, and none but the Lord *Fairfax* and his Counsellers, for their long durance; that the subdolous Arts, the nice exceptions, the frivolous pretences, and the menacing lines of
him

him or his Counsellors, have been and still are the sole and proper cause, under Gods just judgement of their deaths, who either have been or shall be swept away in this Mortallity which is fallen among them: yet he is not afraid to impute it to the Lord Goring and others. So it followes in his Declaration.

Which is refused and opposed by the Lord Goring and other Persons in that Army. I speake upon good assurance, the Lord Goring never interposed in this matter untill his Sonnes sicknesse, and then he was a Furtherer and Promoter of these Prisoners Liberty, untill the Lord *Fairefax* by his threatening and unseasonable expressions in a Letter yet extant, (*that such as took and detained those Prisoners, did run an hazard of their Lives and fortunes,*) had awakened him to a just consideration of His Majesties Honour and advantage. And since his Sons imprisonment, he hath been an earnest Mover for a faire Treaty. If he seeke to include his Sonne therein, if he judge it unequal that all the Prisoners be restored to their Liberty, and he onely who tooke them Prisoners remaine in strict Custody, who can blame him? the Lord *Fairefax* confesseth in one of his

his Letters, that when an offer was made to him for the exchange of these Prisoners, he did on purpose delay it for foure or five dayes, to trye if in the meane time he could procure the releasing of some of his Superiour Officers. The case is the very same, and his Officers had no such neare relation to him, as such a Sonne to such a Father. But if the Lord *Gorings* Desires be pertinaciously opposed, he is confident in the goodnesse of Almighty God and the successe of his Royall Master, that *Deliverance shall arise* shortly to his Sonne by another meanes. So from the *Seacroft* Prisoners he proceeds to Captain *Fairfax*.

And for as much also as Captain Fairfax and other Commanders of Rotheram and those parts, having by Treaty their Liberty promised before they yielded up the place, are not withstanding made Prisoners, contrary to right and the Law of Arms. I have shewed before that neither he, nor any of his pretended Captains in this Warr, can challenge any interest in the Law of Arms, yet nevertheless whatsoever was promised to any of them, either by my selfe, or by any Person by me trusted, shall be really and effectually performed, so soon as it shall be made

to appear that it was promised. There was a Treaty indeed, and almost a conclusion, but broken off by themselves, and afterward the Town delivered up by the Commissioners or Deputies named and trusted by the Town to negotiate for them, (who were all desirous to return to their Loyalty and Obedience,) notwithstanding the reluctance of Captaine *Fairfax* and the other Captaines. Am I bound to make good all those Covenants which themselves deserted? *Præsta mihi omnia eadem, & idem sum.* This being the case, they might all have been detained, without breach of promise. Yet Captain *Fairfax* was permitted to go to the Lord *Fairfax*, upon his own word to return, and hath been used with as much Freedom and Courtesie as he can desire; the others were stayed not for the businessse of *Rotheram*, but for the contribution towards the charge of the Warre which themselves had helped to raise, as was expressly concluded in the Treaty of *Rotheram*, if it had succeeded: and that with so much Courtesy and Respect, that the Principall of them M. *Westby* is fairly slipped away. And to let the World see how unwilling I am to come near the brinke of

promise-breaking, or within the suspition of it, I have given order for Captain *Fairfax* his liberty. He proceeds

Captain Reynolds, Captaine Fulthorpe, M. Dalton, and M. Lilburne being all Men of quality are all thrown into Dungeons, and there kept in most miserable and inhumane durance. Thus he busieth himselfe to hunt after pretences, what are these fower to him? two of them being *Lisbopricke* Men, the other two serving under another command: unlesse he be the Generall Superintendent of the *North*, as he would be the Generall of the Northern Forces. But let us examine it. *All thrown into Dungeons and there kept in most Miserable and Inhumane Durance*; Very high expressions: and all this to be published to the World, by the Lord *Fairfax* in a Declaration under his hand, and scarce one word of it to be true *sub modo*, as it is related? He that was the Penner of this passage needs not paint a Cypresse Tree, to move his Spectators to pittie. Surely the Lord *Fairfax* will never more give credit to those Informers, who suggested this unto him. *Captain Fulthorpe* and *M. Lilburne* have the best chamber in the Castle to themselves. *Captain Reynolds*

Reynolds and *M. Dalton* are in the Sommer Hall, with another Gentleman one *M. Constable*, a prisoner for debt : And they three have that long Roome to themselves, where sometimes above thrice three Debtors have been kept. The two former have the Freedome of the Castle, The two latter are indeed restrained and upon just grounds : *Dalton* for preaching openly Sedition and Rebellion to the prisoners, and *Reynolds* for seconding him in it.

His last charge is about Doctor *Bastwick* and Captaine *Ludlow*. And also that Doctor *Bastwick* and Captain *Ludlow* are made close prisoners, and all conveniences for their health denyed to them, insomuch as all the Gentlemen aforesaid are like to perish, through those usuall tortures and durances, which they suffer in their Imprisonment at York. Tortures and usuall tortures? who inflicteth them? when? upon whom? Falshood alwayes loves to goe masked in generalities. Neither are those two Prisoners any thing to him at all, except his Christian Charity which is so cold to his Neighbours, do glow toward strangers. When Doctor *Bastwick* & Captain *Ludlow* were first committed to the

Castle of *Tork*, they had all the Liberty which that place could afford and much better Accommodation then they deserved; I beleeve as good as the best Doctors in the Kingdom, who are now in the custody of the other party doe find. And in this state they might have continued if a Malignant heart, an envious eye, and an inveterate rancour against Sovereignty, had not incited them to broach pestilent principles to make their Chamber a Schoole of errour, a peysoned Fountain to infect the minds of His Maj. sties Subjects, with Schismaticall and Seditious opinions. And yet for all this, they were not so restrained, but that they had two h. ures allowed each day, to walk abroad within the precinct's of the Castle, for their health and recreation; untill their Letters were intercepted forty Miles from *Torke*, brimme-full of prodigious Treason against the Person of His Sacred Majesty, and by them acknowledged to Sir *Thomas Glemhan* to be their own hands, and maintained, *That they would Seale the same with their Bloods.* Then as it was high time they were confined to their lodging, an easie punishment for such an exorbitant crime. Who will suffer a scabb'd sheep to mingle with his Flock?

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We use to shut up the doores of persons infected with the Plague, without any breach of the Liberty of the Subject. If a Papist doe but attempt to seduce any of His Majesties Subjects, it is death by our Law. And it is true, That being in this condition, of late they both fell sick, not of a Consumption out of Griefe, or for want of necessary sustenance, but of an hot Feaver, whereof *Ludlow* is dead, and *Bastwicke* is upon his recovery, God give him grace to amend his manners. But that corollary which follows, *That all conveniences for their health are denied them*, was forged in the same shop with the rest of the Declaration. For they have had both their Medicines and Apothecaries to attend them, what and whom they desired; and their Divine to give them Ghosly Counsaile and comfort, and all other expediences which they did request. If that truth which they cry for in Religion, be of the same stampe with their morall truths, God deliver all good Christians from it.

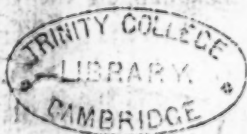
In the close of his Paper he intimates the like hard measure to our Prisoners taken at *Wakefield*, who as he saith have hitherto been used with all humanity and civility. I hope that to
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crowd them together into filthy and worse then *Angean* Stables, is no part of this civility. I hope that to choke them with the fumes of their own ordure, and to bury them alive in subterraneous Cellars, is no part of this humanity: where they cannot behold the light of Heaven but through a litle grate of two spans breadth: and this onely because they remember their Duties, Oaths, Obligations to His Majesty, better then themselves. But I delight not in recriminations.

By this we may conjecture in part, what is the true scope of this Declaration, to cast an aspersion upon His Majesties Officers, to lead the Friends of the sick Prisoners into a fooles Paradise in expectation of some miraculous deliverance, to remove from himsele the blame and envy of their long durance, as if he desired an exchange but we stopped it, and lastly, to excuse the hard and unhumane usage of our Prisoners in his Army. But to unmaske him: I do heereby declare to all the world, that I ever have been, and still am ready to entertein a faire Treaty about the Prisoners. And now at last his Lordship may doe well to keep an audit with his own Conscience and understanding

ding, to take notice of that deluge of mischiefs and miseries which he hath brought upon this County, and made his native Country a field or stage of blood, as if the Liberty of the Subject did consist in a Liberty, or rather licentiousnesse for them to doe what they list, and to compell all others that are not of their Faction to suffer what they list. He may doe well to consider, That these men whom he imprisons are free men born, and fellow Subjects with himselfe, and with them from whom he pretends to derive his Authority; That God and their King will expect a severe account of it; That the empty name & spurious title of *Generall of the Northern Forces for King and Parliament*, contrary to the light of reason, contrary to the plain Law of the Land, much more irregular and exorbitant then the most pernicious Presidents of the worst times which ever *England* groaned under, will be no satisfactory plea for so many lives, and so many Soules as have perished, and are like to perish in this unnaturall Rebellion; That when his guilt is elevated to the highest, the *Catastrophe* (without timely prevention) will be the utter ruine of him and his Adherents. And his
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seduced Followers may doe well also to open their eyes, and consider at how dear a rate hitherto they have purchased nothing but Repentance, with the ruine of so many Estates, the effusion of so much blood, the perill of so many Soules, taken away in actuall Rebellion, without knowing either what they desire, or what they fear, without one Text of Scripture or one particle of Law to warrant their actions, being meerly led by the perswasions of the Lord *Fairfax* and their seditious Preachers, so much as in them is, to overthrow what they desire to build up, the Protestant Religion, the Law of the Land, the Liberty of the Subject; That a timely submission is their only remedy; That if they still continue their desperate courses, His Majesty and His Servants are guiltlesse, and they may blame themselves for all those Mischiefs which fall upon their own Heads.



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